

Honorable THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

TINYBUILD LLC, a Washington limited  
liability company,

Plaintiff,

v.

NIVAL INTERNATIONAL LIMITED, a Cypriot  
corporation,

Defendant.

NO. 19-CV-00805-TSZ

**DECLARATION OF DIANA S.  
BREAUX IN SUPPORT OF  
TINYBUILD'S OPPOSITION TO  
NIVAL'S MOTION FOR  
PROTECTIVE ORDER**

I, DIANA S. BREAUX, declare as follows:

1. I am an attorney representing Plaintiff tinyBuild LLC in this matter. I have personal knowledge of the facts contained in this declaration and I am competent to testify to them.

2. Attached as Exhibit A is a true and correct copy of Plaintiff's First Interrogatories and Requests for Production of Documents to Defendant.

3. Attached as Exhibit B is a true and correct copy of an email I received from Matthew Shayefar, counsel for Nival, on September 5, 2019. This email, which was sent the day before Nival's responses to Plaintiff's initial requests for production were due, was the first time Nival requested a protective order from tinyBuild.

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PROTECTIVE ORDER - 1

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4. On September 9, 2019, Val Gurvits and I had a meet and confer on the issue of Defendant's request for a Protective Order. During that call, Mr. Gurvits advised, for the first time, that Defendant would seek Attorney's Eyes Only ("AEO") protection. I told Mr. Gurvits that his proposal was unacceptable given that the claims at issue are directed to the parties' contractual relationship, the agreement governing which had already been publicly filed by Nival, and the significant prejudice to tinyBuild.

5. Counsel for Nival did not provide Plaintiff with a proposed protective order until September 24, 2019. Attached as Exhibit C is a true and correct copy of the proposed protective order Mr. Shayefar provided on September 24, 2019.

6. Attached as Exhibit D is a true and correct copy of Nival's amended responses to tinyBuild's first discovery requests, which were served on September 24, 2019.

7. Attached as Exhibit E is a true and correct copy of Nival's original responses to tinyBuild's first discovery requests, which were served on September 9, 2019.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Signed this 10th day of October, 2019, in Seattle, Washington.

s/Diana Breaux  
Diana S. Breaux

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties who have appeared in this matter.

s/Ann Gabu

Ann M. Gabu, Legal Assistant  
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